## Casse 3:09-cv-02297-JSW Document 90 Filed 04/07//10 Page 1106 f33

| 1<br>2<br>3<br>4<br>5<br>6<br>7<br>8<br>9 | Christopher D. Sullivan, SBN 148083 csullivan@mcgranegreenfield.com McGRANE GREENFIELD, LLP One Ferry Building, Suite 220 San Francisco, California 94111 Telephone (415) 283-1776 Facsimile (415) 283-1777  Steven M. Bauer* sbauer@proskauer.com Kimberly A. Mottley* kmottley@proskauer.com PROSKAUER ROSE LLP One International Place Boston, Massachusetts 02110 Telephone (617) 526-9600 Facsimile (617) 526-9899 *admitted pro hac vice | Paul Grandinetti* Rebecca J. Stempien* LEVY & GRANDINETTI 1156 Fifteenth Street, N.W., Suite 603 Washington, D.C. 20005 Telephone (202) 429-4560 Facsimile (202) 429-4564 mail@levygrandinetti.com *admitted pro hac vice  Attorneys for Defendants NEW POWER PLASMA and DOES 1-10 inclusive |
|---|--|--|
| 11  | Attorneys for Plaintiff MKS INSTRUMENTS, INC.  |  |
| 12  |  | C DICTRICT COLUDT  |
| 13  | UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA   |  |
| 14  | MKS INSTRUMENTS, INC.,   | ) Case No.: C 09-02297 JSW (JL)  |
| 15  | Plaintiff,   | SECOND STIPULATION AND   |
| 16  | V.   | (PROPOSED) ORDER FOR EXTENSION   |
| 17  | NEW POWER PLASMA and DOES 1-10, inclusive  | )<br>)<br>)  |
| 18  | Defendants.  |  |
| 19  | Defendants.  | )  |
| 20  |  | )  |
| 20  |  | )<br>)<br>)  |
| 21  |  |  |
| 21<br>22                                  |  | en MKS Instruments, Inc. ("MKS Instruments")   |
| 21<br>22<br>23                            | IT IS HEREBY STIPULATED by and between   | en MKS Instruments, Inc. ("MKS Instruments")  er Plasma") (collectively the "Parties") that the  |
| 21<br>22<br>23<br>24                      | IT IS HEREBY STIPULATED by and between and New Power Plasma Co., Ltd. ("New Power Plasma")   |  |
| 21<br>22<br>23<br>24<br>25                | IT IS HEREBY STIPULATED by and between and New Power Plasma Co., Ltd. ("New Power Plasma")   | er Plasma") (collectively the "Parties") that the tlement terms decided upon during the Settlement   |
| 21<br>22<br>23<br>24<br>25<br>26          | IT IS HEREBY STIPULATED by and between and New Power Plasma Co., Ltd. ("New Power time to achieve final documentation of the sett Conference, held on February 16, 2010 before   | er Plasma") (collectively the "Parties") that the tlement terms decided upon during the Settlement   |
| 21<br>22<br>23<br>24<br>25                | IT IS HEREBY STIPULATED by and between and New Power Plasma Co., Ltd. ("New Power time to achieve final documentation of the sett Conference, held on February 16, 2010 before   | er Plasma") (collectively the "Parties") that the tlement terms decided upon during the Settlement the Honorable James Larson, Magistrate, is  |

## Casse 3:09-cv-02297-JSW Document 91 Filed 04/07//10 Page 2206 f33

| 1  | efforts to agree on the terms of the license  | agreement and have made significant progress, and                      |
|----|---|--|
| 2  | assert that additional time is necessary to c | continue and complete negotiations.                                    |
| 3  |   |  |
| 4  | DATED A 117 2010                              | / / C1 : C 11:   |
| 5  | DATED: April 7, 2010                          | <u>/s/ Chris Sullivan</u> Attorney for Plaintiff                       |
|    |   | MKS INSTRUMENTS, INC.  |
| 6  |   | Christopher D. Sullivan, SBN 148083<br>csullivan@mcgranegreenfield.com |
| 7  |   | McGrane Greenfield, LLP  |
| 8  |   | 1 Ferry Bldg Ste 220<br>San Francisco, California 94111                |
| 9  |   | Telephone: (415) 283-1776  |
|    |   | Facsimile: (415) 283-1777  |
| 10 |   | and<br>Steven M. Bauer*  |
| 11 |   | sbauer@proskauer.com   |
| 12 |   | Kimberly A. Mottley*   |
| 13 |   | kmottley@proskauer.com PROSKAUER ROSE LLP                              |
|    |   | One International Place  |
| 14 |   | Boston, Massachusetts 02110-2600<br>Telephone: (617) 526-9600          |
| 15 |   | Facsimile: (617) 526-9899  |
| 16 |   | * admitted <i>pro hac vice</i>   |
| 17 |   |  |
| 18 | DATED: April 7, 2010                          | /s/ Paul Grandinetti   |
| 19 |   | Attorneys for Defendants   |
|    |   | NEW POWER PLASMA CO., LTD. Paul Grandinetti*                           |
| 20 |   | Rebecca J. Stempien*   |
| 21 |   | LEVY & GRANDINETTI 1156 Fifteenth Street, N.W., Suite 603              |
| 22 |   | Washington, D.C. 20005   |
| 23 |   | Telephone: (202) 429-4560<br>Facsimile: (202) 429-4564                 |
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|    |   | *admitted <i>pro hac vice</i>  |
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## Casse3::09-cv-02297-JSW Document91 Filed 04/07/10 Page33:of f33

| 1  | IT IS SO ORDERED:                 |
|--|-----------------------------------|
| 2  |                                   |
| 3  | April 7, 2010                     |
| 4  | Date UNITED STATES DISTRICT JUDGE |
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